



General Assembly

**Substitute Bill No. 5288**

*February Session, 2002*

**AN ACT CONCERNING THE ESTABLISHMENT OF A BIOLOGICAL AGENTS REGISTRY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this  
2       section, "biological agent" means:

3       (1) Any select agent that is a microorganism, virus, bacterium,  
4       fungus, rickettsia, or toxin listed in the Code of Federal Regulations,  
5       Title 42, Part 72, Appendix A;

6       (2) Any genetically modified microorganisms or genetic elements  
7       from an organism specified in the Code of Federal Regulations, Title  
8       42, Part 72, Appendix A, shown to produce or encode for a factor  
9       associated with a disease; and

10       (3) Any genetically modified microorganisms or genetic elements  
11       that contain nucleic acid sequences coding for any of the toxins  
12       specified in the Code of Federal Regulations, Title 42, Part 72,  
13       Appendix A, or their toxic submits.

14       (b) The Commissioner of Public Health shall establish a program for  
15       the registration of biological agents. The biological agents registry shall  
16       identify the biological agents possessed and maintained in this state by  
17       any person and shall contain such other information as required by the  
18       commissioner.

19 (c) On or before December 1, 2002, any person possessing any  
20 biological agent shall submit to the commissioner such information as  
21 required by the commissioner, and any person who comes into  
22 possession of a biological agent shall submit to the commissioner such  
23 information as required by the commissioner within twenty-four hours  
24 of possessing such biological agent.

25 (d) Information provided to the commissioner pursuant to this  
26 section shall be confidential and shall not be a public record under  
27 section 1-200 of the general statutes, as amended. The commissioner  
28 may disclose such information to (1) any person for the purpose of  
29 assisting the Department of Public Health in conducting or aiding in a  
30 communicable disease investigation, (2) the United States Centers for  
31 Disease Control and Prevention, and (3) federal and state law  
32 enforcement agencies in any investigation involving the release, theft,  
33 or loss of a biological agent.

34 (e) Each person possessing a biological agent shall establish  
35 procedures to prevent any theft or inadvertent loss of such biological  
36 agent in accordance with regulations adopted by the commissioner  
37 pursuant to subsection (f) of this section.

38 (f) The commissioner shall adopt regulations, in accordance with  
39 chapter 54 of the general statutes, to administer the provisions of this  
40 section. Such regulations shall include: (1) The biological agents  
41 required to be reported under this section; (2) the procedure for  
42 persons that possess and maintain biological agents to alert the  
43 commissioner and such other persons whom the commissioner  
44 designates by regulation of unauthorized possession or attempted  
45 possession of biological agents; and (3) the information and form for  
46 submitting such information as required by the commissioner  
47 pursuant to this section.

48 (g) Any person who knowingly violates the provisions of this  
49 section shall be liable for a civil penalty of up to one thousand dollars  
50 per violation. Each day of a continuing violation shall be a separate

51 offense.

52 (h) If the commissioner has reason to believe that a violation of this  
 53 section has occurred, the commissioner may send to such person or  
 54 officer by certified mail, return receipt requested, or personally serve  
 55 upon such person or officer, a notice which shall include: (1) A  
 56 reference to the section or sections of the general statutes or  
 57 regulations involved; (2) a short and plain statement of the matters  
 58 asserted or charged; (3) a statement of the maximum civil penalty  
 59 which may be imposed for such violation; and (4) a statement of the  
 60 party's right to request a hearing. Such request shall be submitted in  
 61 writing to the commissioner not later than thirty days after the notice  
 62 is mailed or served.

63 (i) If such person or officer so requests, the commissioner shall hold  
 64 a hearing on the violation asserted. The hearing shall be held in  
 65 accordance with the provisions of chapter 54 of the general statutes. If  
 66 such person or officer fails to request a hearing or fails to appear at the  
 67 hearing or if, after the hearing, the commissioner finds that the person  
 68 or officer has committed such violation, the commissioner may, in the  
 69 commissioner's discretion, order that a civil penalty be imposed in an  
 70 amount not greater than the penalty stated in the notice. The  
 71 commissioner shall send a copy of any order issued pursuant to this  
 72 subsection by certified mail, return receipt requested, to the person or  
 73 officer named in such order. The Attorney General, upon request of the  
 74 commissioner, may bring an action in superior court for the judicial  
 75 district of Hartford to recover such civil penalty.

This act shall take effect as follows:	
Section 1	October 1, 2002

**Statement of Legislative Commissioners:**

In section 1, changes of format were made to references of "the Code of Federal Regulations, Title 42, Part 72, Appendix A", for consistency.

**PH**            *Joint Favorable Subst.-LCO*

